

LELAND TOWNSHIP PLANNING COMMISSION
Wednesday, Wednesday June 2, 2021 - 7:00pm
Leland Township Office meeting room
123 N. St. Joseph St. Lake Leelanau, MI
and Zoom Meeting Room
<https://us02web.zoom.us/j/82053158395>

PRESENT: Chair Dan Korson; Clint Mitchell, Township Board Rep; Ross Satterwhite, ZBA Rep; Sam Simpson, Secretary; Vice Chair Skip Telgard

STAFF: Tim Cypher, Zoning Administrator; Sandy Dunkin, Recording Secretary; and Larry Sullivan, Planner

GUESTS (IN-PERSON): Chris Bunbury, Patricia Souta-Little, County Commissioner, and Taylor Simpson

GUESTS (ZOOM): Jim Carpenter and Rebecca Reynolds

CALL TO ORDER: Chair Dan Korson called the meeting to order at 7:03pm with the Pledge of Allegiance.

AGENDA: Chair Korson called for a motion to approve the June meeting agenda. Satterwhite moved to approve the June 2, 2021, meeting agenda as presented; seconded by Telgard. All in favor, motion carried.

DECLARATION OF POTENTIAL CONFLICTS OF INTEREST: Secretary Simpson reported a conflict as an owner of Aurora Cellars. Simpson will be in attendance as a member of the public during this portion of the meeting.

APPROVAL OF MINUTES: Chair Korson asked for a motion to approve minutes from the May 2021 meeting. Satterwhite moved to approve the May 5, 2021, minutes as presented; Simpson seconded. All in favor, motion carried.

PUBLIC COMMENT:

Rebecca Reynolds stated, and on behalf of her husband, Jim Carpenter, that they feel the proposed Popp Road Recycling Center is one of best uses for the public. Reynolds advised the recycling center will not interfere with hikers and walkers using Provemont Pond Nature Area.

Chair Korson reported that Steven Mikowski, who was unable to attend tonight's meeting, wanted to be on record that none of the land from the Provemont Pond Nature Area should be approved for use as a recycling center.

REPORT FROM TOWNSHIP BOARD REP: Mitchell reported that the Township Board had a special meeting in May to contract with Gosling Dzubak to complete borings to ascertain historical dumping facilities for the Popp Road Recycling Center site, scheduled for June 3, 2021, at 9:00am.

REPORT FROM ZBA REP: Satterwhite advised there is no report.

NEW BUSINESS

1. Amendment to Zoning Ordinance - Section 18.25 Wineries - Taylor Simpson

Taylor Simpson stated that Aurora Cellars wants to amend language in Section 18.25 of the Zoning Ordinance in that after the probationary period of two years, applicants do not have to come back every two years to the Planning Commission for a review and renewal. Cypher reported that the application is complete, with the applicants providing suggested amendment verbiage.

Cypher reviewed the history of Aurora Cellars original application, with a two-year Planning Commission review that was put into place due to the nature of new events in the original application. Cypher advised that nuisance complaints are still able to be brought to the planning commission board by the Zoning Administrator with no need of waiting two years. Sam Simpson advised that Aurora Cellars received a two-year review and renewal recently. Discussion followed.

Sullivan advised that after two years the Zoning Administrator can renew, with the planning commission having the ability to approve after another two years. Discussion followed. Mitchell confirmed with Cypher that any approvals run with the land. Discussion followed regarding conditions being met as set forth in original special land use permit. Simpson advised that if any of the stipulations are not met, no matter who the owner is, the Zoning Administrator can bring such issues to the Planning Commission, where the special land use permit can be revoked at any time. Discussion followed.

Satterwhite advised that he sees the planning commission members have three choices:

- Planning Commission members do not want to discuss.
- Planning Commission members can move to have a public hearing with the proposed language in the amendment application.
- Planning Commission can move to have a public hearing with new language for the amendment application.

Discussion followed. Telgard confirmed with Cypher and Sullivan that the submitted verbiage is good, plus there is already an option to bring any nuisance complaints into compliance by the Planning Commission via the Zoning Administrator is already in place.

Satterwhite stated the proposed language is "a winery applies for special land use with a two-year review, where the Zoning Administrator approves or disapproves, which then becomes permanent." Discussion followed with the planning commission members having a consensus that the current policy is redundant.

Cypher advised that a lot of discussion went into the original amendment with the intent of the two-year clause giving additional protection. Sullivan stated the two-year clause does not give more protection by his estimation. Sullivan advised that the planning commission can already enforce compliance or closure once a special land use is approved.

Discussion followed on special land uses that run with the land. Satterwhite stated he agrees with application as submitted. Consensus of planning commission members is to move forward with the public hearing and the submitted amendment verbiage in the application. Discussion followed.

Satterwhite moves to have a public hearing on July 7, 2021, at 7:00pm, on the application submitted by Aurora Cellars to amend the language in Section 18.25 as noted (see handout); Mitchell seconded. All in favor, motion carried.

OLD BUSINESS

- **Public Hearing Popp Road Recycling Center - Special Land Use application - Leland Twp. & Leelanau County**

1. Presentation by Applicant - Chair Korson waived the presentation as it was completed at the May 5, 2021, meeting.

Sullivan advised that despite aerial images, it is difficult to ascertain the actual location of the historical dump from photos 63, 73 and 81. Discussion followed. Chair Korson advised the soil borings will confirm the location and whether the soil meets conditions for the requested use.

2. PC Questions/Discussion by Applicant - None.
3. Public Comments (limited to three minutes per person unless extended by Chair) - No public comment currently.
4. Applicant's Response to Public Comment - No response as no public comment.
5. PC Discussion with Staff (if required) - None.
6. PC Deliberation/Findings of Fact -
Section 6.03.B.3 - Cypher advised borings will take place on June 3, 2021, at 9am, by Gosling Dzubak with the Zoning Administrator in attendance. Cypher advised that an email to the planning commission will be sent by Friday, June 4, 2021, with findings from the borings.

Section 6.03.B.7 - County Commissioner Patricia Souta-Little stated that the Leelanau County Road Commission advised they have sent the permit for approval on the access driveway and parking. Zoning Administrator reported this condition will remain open until the permit is received.

Section 6.03.B.12 - Cypher asked if any comments or concerns with landscaping on site plan. No concerns currently.

Section 6.03.B.14 and 6.03.B.15 - Cypher confirmed with County Commissioner Souta-Little that the soil erosion permit from the Leelanau County Drain Commissioner has been sent with Souta-Little advising she will get the permit forwarded to the Zoning Administrator. Cypher advised these conditions will remain open until the permit is received.

Section 6.03.B.16 - Cypher advised he will verify a completion timeline once Gosling Dzubak has completed

borings and findings have been discussed by the Planning Commission.

Section 6.03B.19 - Zoning Administrator advised he will review upon receipt of the analysis of the boring samples to be taken on June 3, 2021, if the site plan will conform to the Ordinance provisions.

Cypher advised that the next section of findings are the special land use general standards over and above article 16.01 with sections noted for planning commission are part of the record.

Section 16.01,1 - Cypher advised that the general principles and objectives have been met with commercial recycling not to be used at residential sites as county residents pay for this service.

Section 16.01,3 - Chair Korson stated he feels the township board needs to look at Provemont Pond Nature Area and put boundaries on the nature area that remains for everyone to use. Extensive discussion followed. Sullivan confirmed with Korson that the concern is not the need for more recycling area, but will any future needs encroach on more of the nature area. More discussion. Sullivan advised a condition that only park property can be used for park services could be added, but that the township would probably not police themselves. Cypher advised that there could be a deed restriction which is beyond planning commission authority.

Section 16.01,3a - Cypher advised that many recycling locations have been scoped out over the past five years and asked planning commission members for any concerns or questions. Simpson reported concerns about the 24-hour drop off and dumping that occurs during nighttime hours. County Commissioner Souta-Little advised that when dumping occurs, American Waste is called to haul away the trash. Souta-Little reported that this happens at all recycling sites in Leelanau County. Discussion followed regarding surveillance. Simpson stated that a camera is a logical first step, but he does not want that to stop or slow progress in moving forward with the recycling site. Cypher confirmed with the Planning Commission that the Township Board will be advised that basic surveillance will be added as needed as a condition of

any Planning Commission recommendation of the Popp Road Recycling Center site.

Section 16.01, 3b, c, d, e, f - No comments or issues from planning commission members.

7. PC Motions/Action - Cypher advised that the Planning Commission members can make a motion to approve recommending the recycling site to the township board based on findings from the boring samples. Satterwhite confirmed with the Zoning Administrator that Gosling Dzubak's purpose is to evaluate evidence of historical dumping facilities. Discussion followed. Satterwhite stated that the planning commission needs to wait on findings then discuss in July. The consensus of planning commission members is that waiting is the safer approach.

Chair Korson asked for a motion. Satterwhite moved to table any decision of the recycling center site until the borings analysis is received with further discussion at the July meeting; Telgard seconded. Discussion followed. All in favor, motion carried.

OLD BUSINESS

- **Zoning Amendments - Status - Lot Coverage/Character Clause**

Sullivan reviewed the tables he created and provided to planning commission members at tonight's meeting for the three zoning districts. Sullivan took the AG/Res, Lakeshore/Res, and the Village/Res sections; put in the minimum lot and home sizes allowed based upon the current lot area coverage that the ordinance allows. Discussion followed. Satterwhite confirmed with Sullivan that the current numbers are based on what the ordinance is now. Satterwhite advised he feels there is a need to get the data analyzed and studied to work out an accurate and easy-to-use formula for property owners.

Mitchell confirmed with Cypher that his email was sent to planning commission members. Mitchell stated he feels it can get trickier when discussing properties by the lake as far as the character is concerned. Satterwhite advised that it would be best to have a formula that owners could input numbers to figure out the square footage of the house that can be built. Discussion followed.

Chair Korson stated that perhaps the ordinance might take into consideration the houses on each side of the property and that building can be completed within parameters of the adjacent houses. More discussion. Mitchell stated that percentages may be a better way to specify square footage of a house to be built. More discussion. Planning Commission member consensus is that Satterwhite will move forward on having the data analyzed with no specified timeline.

- **Master Plan - Status - Chapter 6 - Update from Planner**

Sullivan asked for comments on Chapter Six material of the Master Plan provided previously. Planning Commission member consensus is that comments are to be sent via email to Sullivan prior to the July 7, 2021, meeting.

- **Short Term Rentals - Discussion only**

Cypher advised that there are three bills being introduced to the Michigan Legislature to take local control away from short-term rentals. Cypher reported the bills are gaining momentum with a push from home builders and Michigan realtors. Discussion followed. Cypher reported that the push is to have townships only responsible for nuisance complaints.

Mitchell reported that he compiled some data and will hold off on further research until a decision is made in Lansing on the bills. Discussion followed on the development of a list of short-term rentals and owners' contact information. More discussion. Cypher advised that short-term rental owners cannot be treated any differently than other homeowners. Discussion followed. Sullivan stated that the township needs police power and zoning ordinances. Extensive discussion followed.

Mitchell advised that the neighbors have rights with respect to how the short-term renters use the property. Satterwhite stated that the planning commission does not have to table and might want to put something more modest together and see what Michigan legislature decides. Discussion followed. Consensus of planning commission members is to keep discussion going with Sullivan sending out a previously made short-term rental timeline checklist

to the planning commission members prior to the July 2021 meeting.

OTHER BUSINESS (as required)

No other business presented.

Zoning Administrator Comment: Cypher stated this was a good meeting and he will keep the planning commission members posted on soil boring findings.

Planning Commission Comment: No comment currently.

Public Comment: No comment currently.

The next meeting is scheduled for Wednesday, July 7, 2021, 7:00pm, at the Leland Township Office

Adjournment: There being no objection, Chair Korson adjourned the meeting at 9:48 p.m.

Respectfully Submitted

Sandra Dunkin, Recording Secretary

Date Approved: